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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,648	09/29/2004	David B. Bartholomew	66.0070	5647

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EXAMINER

MIS, DAVID C

ART UNIT PAPER NUMBER

2817

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,648

Applicant(s)

BARTHOLOMEW, DAVID B.

Examiner

David Mis

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-32 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 16-22 are rejected under 35 U.S.C. 102(b.) as being clearly anticipated by McCune, Jr.

McCune, Jr. disclosed a system (column 1, line 20 ... electronics industry ... where the systems in the industry employ frequency synthesizers) for setting (V, Figure 1) and adjusting (R, Figure 1) a frequency (Abstract, first sentence) of electrical output pulses (A, Figure 1) derived from an oscillator (40, Figure 1) in a network (column 1, line 20 ... electronics industry ... where the systems in the industry employing frequency synthesizers connect the frequency synthesizers in respective networks) comprising an accumulator module (16) configured to receive pulses from an oscillator (40) and to output an accumulated value (A), an adjustor module (18) configured to store (at the output register in 18) an adjustor value (V+R), a digital adder (14) configured to add values from the accumulator module (16) and the adjustor module (18) to output their sums (A+V) to the accumulator module (16) and to output electrical pulses (20) corresponding to carry values (column 2, lines 55-57), a logic module (22) configured to receive electrical

pulses (20) corresponding to carry values from the adder and modify (column 2, line 64 to column 3, line 1) the adjustor value stored in the adjustor module (18); ... operably connected to the network ... (everything is operably connected to everything else); ... downhole network integrated into a tool string ... (the intended use of the synthesizer does not have any patentable weight); ... source of global time connected to the network ... (nature is the source of time everywhere and is connected to all things); ... source selected from ... (at least a "wireless transmitter" somewhere is "connected", wirelessly, to any system in the electronics industry); ... every pulse ... (column 3, lines 18-19); ... sum stored ... ($A+V$); ... oscillator is selected ... (stable clock 40 was necessarily at least a transistor, and presumably was selected from a group consisting of at least one crystal); ... initially ... (column 2, lines 45-50); ... new sum ... (12); ... baud rate generator ... / ... clock ... (the intended use of the synthesizer does not have patentable weight); method claim rejections correspond to corresponding apparatus claim rejections.

3. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Mis whose telephone number is (571) 272-1765. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Mis
Primary Examiner
Art Unit 2817